

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(DALLAS DIVISION)

ABHIJIT RAMACHANDRAN

Plaintiff,

v.

VINAY JAIN

AROG PHARMACEUTICALS, INC.

Defendant.

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CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL PETITION

Submitted by

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Plaintiff's Original Petition

I. INTRODUCTION

The Plaintiff, Abhijit Ramachandran (the “**Plaintiff**” or “**Abby**”), files this Original Petition against the above-referenced Defendants, Vinay Jain (“**Jain**”) and AROG Pharmaceuticals, Inc. (“**AROG**”) (collectively the “**Defendants**”), to recover, *inter alia*, damages caused by Defendants’ wrongful acts, by asserting the following:

II. PARTIES TO THE LAWSUIT

1. **Plaintiff Abhijit Ramachandran.** Plaintiff Abhijit Ramachandran is a resident of California. He lives in California and intends to remain in California. His California residency was established before the above-referenced lawsuit was filed.

2. **Defendant Vinay Jain.** Defendant Vinay Jain is a Texas resident. Upon information and belief, he resides at 10710 Inwood Road, Dallas, Texas and thus can be served at this residence.

3. **Defendant AROG.** Defendant AROG Pharmaceutical, Inc. is a Delaware Corporation with a principal place of business located in Texas at the following address: 5420 LBJ Freeway, Suite 410, Dallas, Texas 75240. While this Defendant was originally formed in 2010 as a Limited Liability Company, it was later converted to a corporation in 2014.

III. FEDERAL JURISDICTION AND VENUE

4. **Personal Jurisdiction.** This Court has personal jurisdiction over each of the Defendants because each Defendant resides in Texas and conducts business in Texas.

5. **Subject Matter Jurisdiction.** This Court has subject matter jurisdiction over the claims in this lawsuit under 28 U.S.C. § 1332 because (1) the Plaintiff is a citizen of California and each Defendant is **not** a citizen of California and (2) the amount in controversy exceeds \$75,000.

6. **Venue.** Venue is proper in Dallas County because each Defendant resides in Dallas County, Texas and conducts business in Dallas County, Texas.

IV. FACTUAL BACKGROUND

7. The facts supporting this Original Petition are included in Plaintiff's cause of action presented below.

V. CAUSES OF ACTION

8. Plaintiff asserts the following causes of action against Defendants.

COUNT ONE BREACH OF CONTRACT

9. Defendant AROG agreed to employ Plaintiff Abby pursuant to a term employment contract that had an initial term that expired in July 2019. This initial term through July 2019 was established by a written modification executed by AROG's general counsel. Under the terms of this contract, if Abby was terminated without cause and instructed to cease working during the remainder of the initial term, AROG was contractually obligated to pay Abby the remainder of the contract's initial term.

10. In February 2017, AROG terminated Abby without cause and instructed him to cease working for AROG. Yet, despite the unequivocal language in the employment contract, AROG refused to pay Abby for the remainder of his employment contract. AROG's failure to pay Abby the remainder of the initial term—which amounted to approximately \$372,166—constituted a material breach of this contract.

11. AROG materially breached its employment contract with Abby and is liable to Abby for the damages caused by this material breach. To establish this breach of contract claim, Abby can demonstrate the following: (1) there is a valid, enforceable contract between Abby and AROG; (2)

Abby is a proper party to sue for breach of this contract; (3) Abby performed, tendered performance, or was excused from performing its contractual obligations; (4) AROG breached its contractual obligations owed to Abby; and (5) AROG's breach has caused Abby injury.

12. As a result of AROG's breach of contract, Abby is entitled to recover damages of at least \$372,166. Abby is also entitled to recover reasonable attorney fees necessary to recover these damages.

13. Defendant Jain is also liable to Abby for damages associated with his fraudulent statements made to induce Abby to enter into this employment contract.

VI. DEMAND FOR JURY TRIAL

14. The Plaintiff requests a trial by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, premises considered, the Plaintiff, Abhijit Ramachandran, hereby demands that the Court enter Judgment as follows:

1. **Judgment against Defendants.** That this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, on the cause of action contained herein in this Original Petition;
2. **Damages.** That this Court enter judgment against Defendants, jointly and severally, and in favor of Plaintiff for all damages incurred by Plaintiff as a result of Defendants' unlawful actions delineated in Count One, including, without limitation, general damages, actual damages, nominal damages, benefit of the bargain damages, reliance damages, restitution damages, consequential damages, lost profits, and/or out-of-pocket damages;
3. **Costs.** That this Court enter a judgment against Defendants, jointly and severally, that awards costs to Plaintiff;
4. **Pre-Judgment & Post-Judgment Interest.** That this Court enter a judgment against Defendants, jointly and severally, that awards Plaintiff pre-judgment and post-judgment interest to the fullest extent permitted under law;

5. **Attorney Fees.** That this Court enter a judgment against Defendants, jointly and severally, that awards Plaintiff reasonable attorneys fees; and
6. **Other Relief.** That this Court award all other relief in law or in equity that it deems just and equitable.

Respectfully submitted,

WADE & WALSH LAW

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